

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHASOM BROWN, et al.,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 20-cv-03664-YGR (SVK)

**ORDER ON ADMINISTRATIVE
MOTIONS FOR LEAVE TO FILE
UNDER SEAL**

Re: Dkt. Nos. 484, 509, 516, 518, 534

Before the Court are several administrative motions to file under seal materials associated with discovery disputes in this case. Dkt. 484, 509, 516, 518, 534; *see also* Dkt. 507, .

Courts recognize a “general right to inspect and copy public records and documents, including judicial records and documents.” *Kamakana v. City & Cnty. Of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Communs., Inc.*, 435 U.S. 589, 597 & n.7 (1978)). A request to seal court records therefore starts with a “strong presumption in favor of access.” *Kamakana*, 447 F.3d at 1178 (quoting *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)). The standard for overcoming the presumption of public access to court records depends on the purpose for which the records are filed with the court. A party seeking to seal court records relating to motions that are “more than tangentially related to the underlying cause of action” must demonstrate “compelling reasons” that support secrecy. *Ctr. For Auto Safety v. Chrysler Grp.*, 809 F.3d 1092, 1099 (9th Cir. 2016). For records attached to motions that re “not related, or only tangentially related, to the merits of the case,” the lower “good cause” standard of Rule 26(c) applies. *Id.*; *see also Kamakana*, 447 F.3d at 1179. A party moving to seal court records must also comply with the procedures established by Civil Local Rule 79-5.

Here, the “good cause” standard applies because the information the parties seek to seal was submitted to the Court in connection with discovery-related motions, rather than a motion that concerns the merits of the case. The Court may reach different conclusions regarding sealing these documents under different standards or in a different context. Having considered the motions to seal, supporting declarations, and the pleadings on file, and good cause appearing, the Court **ORDERS** as follows:

1. Dkt. 484 (see also Dkt. 507)

Document Sought to be Sealed	Court’s Ruling on Motion to Seal	Reason(s) for Court’s Ruling
Joint Submission in Response to Dkt. 447 re: Status of Discovery Disputes at	GRANTED as to redacted portions at: 2-15, 29-31	The information requested to be sealed contains Google’s confidential and proprietary information, including details related to project names, internal identifiers, Google’s internal practices with regard to Incognito and its proprietary functions, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google’s competitors. Such confidential and proprietary information reveals Google’s internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google’s competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google’s internal practices relating to competing products.
Exhibit A - re: Priority RFPs at	GRANTED as to redacted portions at: 2-3	The information requested to be sealed contains Google’s confidential and proprietary information, including details related to project names, internal identifiers, Google’s internal practices with regard to Incognito and its proprietary functions, as well as internal metrics and investigation into financial impact of certain features, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google’s competitors. Such confidential and

		proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
--	--	--

2. Dkt. 509

Document Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
Exhibit A of the Order	GRANTED as to the portions at: Pages 1, 7, 11-21	Narrowly tailored to protect confidential technical information regarding sensitive features of Google's internal systems and operations, including details related to internal projects, data signals, and logs and their proprietary functionalities, as well as internal metrics and investigation into financial impact of certain features, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors.

3. Dkt. 516

Documents Sought to Be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
Joint Letter Brief	GRANTED as to Portions Highlighted in Yellow at: Pages 1, 2, 3	The information requested to be sealed contains Google's confidential and proprietary information, including details related to project names, internal identifiers, Google's internal practices with regard to Incognito and its proprietary functions, as well as internal metrics and investigation into financial impact of certain features, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public

or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.

4. Dkt. 518

Documents Sought to Be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
First Order on March 11, 2022 Joint Discovery Dispute Chart (Dkt. 487)	GRANTED as to the portions at: PDF pages 4-17, 31-33	Narrowly tailored to protect confidential technical information regarding sensitive features of Google's internal systems and operations, including details related to internal projects, identifiers, internal practices with regard to Incognito and its proprietary functionalities, as well as internal metrics and investigation into financial impact of certain features, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors.
Second Order on March 11, 2022 Joint Discovery Dispute Chart (Dkt. 505)	GRANTED as to the portions at: PDF pages 4-8, 10-20, 38-41, 48-49	Narrowly tailored to protect confidential technical information regarding sensitive features of Google's internal systems and operations, including details related to internal projects, identifiers, internal practices with regard to Incognito and its proprietary functionalities, as well as internal metrics and investigation into financial impact of certain features, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors.

////

////

////

5. Dkt. 534

Documents Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
Special Master's Report and Recommendations on Referred Discovery Issues (Preservation Plan) (Dkt. 524)	GRANTED as to the Portions of Exhibit A to Special Master Report re Preservation Plan at: Pages 2-3	Narrowly tailored to protect confidential technical information regarding sensitive features of Google's internal systems and operations, including various types of Google's internal projects, data signals, and logs and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors.

SO ORDERED.

Dated: April 14, 2022



SUSAN VAN KEULEN
United States Magistrate Judge